

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E. Mishan & Sons, Inc.,

Plaintiff,

v.

Telebrands Corp.,

Defendant.

Civil Action No. 1:16-cv-06918-GHW

JOINT DISPUTED CLAIM TERMS CHART

Pursuant to Local Patent Rule 11, Plaintiff E. Mishan & Sons Inc. ("Plaintiff"), and Defendant Telebrands Corp., ("Defendant"), by their respective undersigned counsel, jointly submit this Joint Disputed Claim Terms Chart in connection with Claim 17 of the patent-in-suit, U.S. Patent No. 7,434,955 ("955 Patent").

Claim 17	Plaintiff's Proposed Construction and Cross-References to its LPR 6 Disclosure	Defendant's Proposed Construction and Cross-References to its LPR 7 Disclosure
In a flashlight having a light source the improvement comprising:	The terms in the claim preamble are to be given their ordinary and customary meaning. <i>Plaintiff's Infringement Contentions ¶ 3</i>	No construction necessary.
said light source having a single finger operated push button switch,	The flashlight is controlled by a single push button switch operable by a finger of the user. <i>Plaintiff's Infringement Contentions ¶ 3</i>	No construction necessary.

<p>said switch changes from mode to mode by a unitary depression of the push button, which steps the flashlight through all modes of operation comprising a first mode of visually continuous illumination and a second mode of discontinuous illumination utilizing said push button switch.</p>	<p>Each successive depression of the push button switch advances the flashlight to its next mode of operation in a predetermined order for stepping the flashlight through all of its lighting display modes, the predetermined order including a step from a mode in which the light is on continuously to a mode in which the light is on intermittently. <i>Plaintiff's Infringement Contentions ¶ 3</i></p>	<p>A single continuous depression of the push button steps the flashlight through all the functional modes of the flashlight while the push button is depressed, where the functional modes of the flashlight include a mode where the light source is continuously ON and a mode where the light source is not continuously ON, such as flashing or blinking. See Defendant Telebrands' Invalidity Contentions at Appendix A and B.</p>
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Respectfully Submitted,

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